

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DARNELL MOON,

Plaintiff,

BARRON PRATTE, et al.,

Defendants,

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No. 4:13CV2570 JAR

**MEMORANDUM AND ORDER**

Before the Court are several post-dismissal motions filed by plaintiff in this action. The Court will address each, in turn.

**Background**

Plaintiff, a detainee at Southeast Missouri Community Treatment Center, filed the instant action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), alleging violations of his civil rights. Plaintiff brought this action against twelve named defendants, all of which appeared to be employees of the Southeast Missouri Community Treatment Center. Plaintiff sought both monetary and injunctive relief in his complaint.

Upon review of plaintiff's complaint pursuant to 28 U.S.C. § 1915A, the Court dismissed plaintiff's claims as either frivolous, or alternatively, for failure to state a claim upon which relief could be granted [Doc. #6 and #7].

**Discussion**

Plaintiff filed a notice of appeal of the dismissal of this action on April 9, 2014. *See* Docket No. 13. Upon the filing of the notice of appeal, this Court lost jurisdiction to grant plaintiff's motion for reconsideration or to allow the filing of an amended complaint. *See Griggs*

*v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (holding that “filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”). Thus, during the pendency of plaintiff’s appeal, the Court had jurisdiction only to deny plaintiff’s many filings, including his motion for reconsideration, his motion to file an amended complaint and his motion for preliminary injunction. [Doc. #17, #18 and #19].

On May 2, 2014, the Court received the mandate from the Eighth Circuit Court of Appeals notifying it that plaintiff had dismissed his appeal. At that time, this Court again attained jurisdiction over plaintiff’s case. Since that time, plaintiff has filed two motions seeking the status of this action. [Doc. #22 and 23].

Plaintiff’s motion seeking a simple reconsideration of the dismissal of his action, Doc. #17, will be denied, as he has not provided the Court with any grounds under which the Court’s original dismissal Order, issued on March 25, 2014, should be set aside.

To the extent, however, that plaintiff is seeking permission to file an amended complaint, *see* Docket No. 17, the Court will grant him leave to do so. The Court will ask the Clerk of Court to file the document attached to Docket No. 17 as an amended complaint.

To the extent, however, that plaintiff is seeking to supplement his amended complaint by filing a document entitled, “Judicial Notice,” *see* Docket No. 19, the Court will not allow him to do so. The Court does not accept amendments by interlineation or through supplements. *Popoalii v. Correctional Medical Services*, 512 F.3d 488, 497 (8th Cir.2008). As such, the Court will order the Clerk to strike Docket No. 19.

As for plaintiff’s second motion for restraining order/injunctive relief, the Court will also decline to grant the order at this time. In his motion for injunctive relief, plaintiff states that as

“retaliation for filing the instant lawsuit” defendants falsely accused him of escaping community confinement and placed him in St. Genevieve County Jail. As his requested relief, plaintiff seeks release from the jail. [Doc. #18]. On June 12, 2014, plaintiff filed a notice of change of address with the Court, stating he had been released from the Jail and was currently being confined in Southeast Missouri Community Center. As such, his request for injunctive relief is moot.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for reconsideration of the Court’s March 25, 2014 Order of Dismissal [Doc. #17] is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff’s motion for leave to file an amended complaint [Doc. #17] is **GRANTED**. The Clerk of Court shall detach the document attached to Docket No. 17 and file it as an amended complaint.

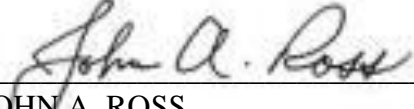
**IT IS FURTHER ORDERED** that plaintiff’s motion for injunctive relief [Doc. #18] is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that plaintiff’s motion for the Court to take judicial notice/to supplement his amended complaint [Doc. #19] is **DENIED**. The Clerk shall strike plaintiff’s notice from the Docket.

**IT IS FURTHER ORDERED** that plaintiff’s motions for status [Doc. #22 and #23] are **DENIED AS MOOT** given the Court’s detailed explanation herein.

**IT IS FURTHER ORDERED** that plaintiff's amended complaint shall be subject to review under 28 U.S.C. 1915A for frivolousness, maliciousness and for failure to state a claim upon which relief may be granted by separate Memorandum and Order.

Dated this 18<sup>th</sup> day of June, 2014.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE